

The Gazette



of India

EXTRAORDINARY
PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, APRIL 9, 1949

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Dominion Legislature assented to by the Governor General

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 9th April, 1949

The following Act of the Dominion Legislature received the assent of the Governor General on the 9th April, 1949 and is hereby published for general information:—

ACT No. XVIII OF 1949

An Act to amend the Merchant Shipping Act, 1894, and to provide for the extension of the laws in force in the Provinces of India relating to merchant shipping to Acceding States and for certain other matters.

WHEREAS it is expedient to amend the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60), and to provide for the extension of the laws in force in the Provinces of India relating to merchant shipping to Acceding States and for certain other matters;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Merchant Shipping Laws (Extension to Acceding States and Amendment) Act, 1949.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. Extension of the Merchant Shipping Acts, 1894 to 1938 to Acceding States.—The Merchant Shipping Acts, 1894 to 1938, shall, so far as may be applicable, extend to, and operate as part of the law of, all Acceding States as they extend to, and operate as part of the law of, the Provinces of India.

3. Amendment of the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60).—In section 1 of the Merchant Shipping Act, 1894, as it extends to, and operates as part of the law of, India,—

- (i) in paragraph (a), the word “natural-born” shall be omitted;
- (ii) paragraphs (b) and (c) and the proviso shall be omitted; and
- (iii) at the end of section 1, the following *Explanation* shall be added, namely:—

‘Explanation.—The expression “British subjects” shall be deemed to include the Ruler and subjects of any of the Acceding States, and the expressions “Her Majesty’s dominions” and “dominions” shall be deemed to include all Acceding States.’

4. Extension to Acceding States of other Acts relating to merchant shipping in force in the Provinces of India.—The Central Government may, by notification in the official Gazette, direct that any of the Acts relating to merchant shipping specified in the Schedule, shall extend to, and have effect in, any Acceding State or part thereof, subject to such exceptions or modifications as it thinks fit.

5. Performance of consular duties under the Merchant Shipping Acts, 1894 to 1938.—Where under the Merchant Shipping Acts, 1894 to 1938, as they extend to and operate as part of the law of India, anything is required or authorised to be done by, to or before a British consular officer at any place outside India, such thing may be done in that place by, to or before an Indian consular officer or such other officer as the Central Government may, by notification in the official Gazette, specify in this behalf.

6. Proper national colours for ships registered in, or owned by persons domiciled in, or bodies corporate established in, India.—(1) The Central Government may, by notification in the official Gazette, declare what shall be the proper national colours for all ships registered in India, and for all vessels which are not registered in any British possession but are owned exclusively by persons domiciled in India or by bodies corporate established in India, and thereupon the colours so declared shall, in relation to all such ships and vessels, be the proper national colours for the purposes of sections 73 and 74 of the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60), and any person hoisting on board any such ship or vessel any distinctive national colours, other than the proper national colours hereby so declared, shall be punishable with the penalty prescribed in sub-section (2) of section 73 of that Act.

(2) The Central Government may, by notification in the official Gazette, exempt any ship or vessel or any class of ships or vessels from the operation of this section.

7. Repeal of Ordinance XXVIII of 1948.—(1) The Merchant Shipping (Acceding States) Ordinance, 1948, is hereby repealed.

(2) The repeal by this Act of the Merchant Shipping (Acceding States) Ordinance, 1948, shall not affect the previous operation of or the validity of anything done or any action taken under the said Ordinance.

THE SCHEDULE

(See section 4.)

Year.	No.	Short title.
1841	X	The Indian Registration of Ships Act, 1841.
1850	XI	The Indian Registration of Ships Act (1841) Amendment Act, 1850.
1856	IX	The Indian Bills of Lading Act, 1856.
1923	XXI	The Indian Merchant Shipping Act, 1923.
1925	XXVI	The Carriage of Goods by Sea Act, 1925.
1927	XVII	The Indian Lighthouse Act, 1927.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.